

EXHIBIT 7

T12-LC-TS

4305

1 Nocenti - Deft. - Direct - Burns

2 the precinct alone?

3 A I did.

4 Q And when you entered the precinct what did you do?

5 A When I first walked into the precinct there's a
6 small vestibule area and then some steps going up to another
7 set of doors, and right beyond those doors there is a desk,
8 and a police officer sitting at the desk, and I told him I was
9 a friend of the Salaam family, and I understood that Yusef
10 Salaam was there.

11 He asked me to wait, and I went into a door that was to
12 his left at the time.

13 A couple of minutes later out of that same door a woman
14 and a couple of gentlemen came out. The woman came over to
15 me, introduced herself as assistant district attorney Linda
16 Fairstein. She also introduced the individuals as either
17 police officers or detectives. I told her that I was a friend
18 of the Salaam family, that I had been asked by Mrs. Salaam to
19 go to the precinct to assist her in any way that I could, and
20 I asked if Yusef Salaam was there, and they confirmed that he
21 was there.

22 Linda Fairstein then asked me -- she said we would like
23 permission to speak with Yusef.

24 Q I didn't hear?

25 A She said, we would like your permission to speak

F12-LC-TS

4306

Nocenti - Deft. - Direct - Burns

1
2 with Yusef and I told her that although I was an attorney I
3 had not been hired or engaged by Mrs. Salaam, or by Yusef
4 Salaam, and I told her that since I am an assistant United
5 States attorney that there are probably Department of Justice
6 regulations prohibiting my defending or being an attorney for
7 an accused, and so I told her that I was just there in my
8 individual capacity to assist the mother, and to find out what
9 was going on.

10 Q And what happened after that?

11 A Well, upon learning that I was an assistant United
12 States attorney, assistant district attorney Fairstein took
13 issue with my presence at the precinct.

14 She stated that she felt it was improper for a prosecutor
15 to be appearing as a defense counsel at a police station, and
16 I told her that I was not there as a defense counsel, that I
17 was simply there as a friend of the family.

18 She asked for the name of my supervisor because she
19 wanted to call him to find out if I had permission to be
20 there, and I told her first he was not available because it
21 was Passover. I knew he was at his parents' home, and second
22 that since I was there in my individual capacity, there was no
23 real relevance to any contacts with the United States
24 Attorney's office. Assistant district attorney Fainstein then
25 asked -- I had given her my card when I told her I was an

F12-LC-TS

4307

Nocenti - Deft. - Direct - Burns

assistant United States attorney and she said that she was going to call the telephone number on the card to try to contact the United States attorney for the Eastern District of New York and I continued to try to explain to her that I was there only as a friend of the family, not as an assistant United States attorney, and I was there to help the mother, to the extent that I could.

9 Ms. Fairstein and/or the officers that were there at the
10 time when I made it clear to them that I was there in my
11 individual capacity stated that since I didn't represent Yusef
12 and since I wasn't in the immediate family that there was
13 nothing they could do for me that I couldn't see Yusef, and I
14 told them I would go outside and wait for the arrival of Mrs.
15 Salaam.

16 Q Did you then leave? Did you then leave Ms.
17 Fairestein at that point, her presence?

18 A Yes, yes I did. I went out through the vestibule
19 area and back out onto the street.

20 Marilyn Hatcher was still there and stated that Mrs.
21 Salaam had not yet arrived. I told Marilyn I had not been
22 able to see Yusef because I was not his attorney, and was not
23 in the immediate family, and I recall from a prior Salaam
24 family get together of some sort that I had previously met a
25 Criminal Defense attorney, and I asked her, I asked Marilyn

T12-LC-TS

4308

1 Nocenti - Deft. - Direct - Burns
2 Hatcher if she knew who that was, and if she had been familiar
3 --

4 MS. LEDERER: That's not responsive to the
5 questions.

6 THE COURT: I'll allow it.

7 A (Continuing) -- I asked her if she knew who that
8 attorney was and if she had a telephone number because we
9 should call that individual. She said, yes, that was Mr.
10 Burns who turns out to be you, and she went through her
11 pocketbook and found your telephone number, and we then
12 decided that we should go inside to see if there was a phone
13 in the precinct in order to call you.

14 At about that time Mrs. Salaam arrived, and we, Marilyn
15 and I both told her that we had been inside, that it was
16 confirmed that Yusef was in there, that we were not allowed to
17 see him because neither of us was in the immediate family and
18 because I did not represent him as an attorney.

I also told Mrs. Salaam that I had been asked for my permission so that the police officers in the DAs office could speak with Yusef so I told her she would probably be asked -- she would be asked to give her permission so they can speak with Yusef, and she said she would not give her permission to speak with Yusef.

25 Q And what did occur at that point did? Did she go

12-LC-TS

4309

1 Nocenti - Deft. - Direct - Burns

2 inside of the precinct?

3 A At that point all four of us went into the precinct.

4 Q And what did you see occur?

5 A Well we went into the precinct again through the
6 vestibule area, and then to the officer's desk, and we told
7 the officer that Mrs. Salaam had arrived.

8 I don't recall if Linda Fairstein was still in the lobby
9 area, or had since exited and gone upstairs but very shortly
10 thereafter Linda Fairstein -- we were greeted by Linda
11 Fairstein and the officers who had previously been with us.

12 There were introductions. Linda Fairstein introduced
13 herself, and we told her that Mrs. Salaam arrived, and
14 introduced her to Mrs. Salaam. To the best of my recollection
15 the next thing that occurred was that Mrs. Salaam stated that
16 she wished to see Yusef.

17 Q And what was the response, if any?

18 A When we first went in Marilyn Hatcher went over to
19 the phone to try to call you so I believe that initially only
20 Vincent Jones, his son, myself, and Mrs. Salaam were speaking
21 with Linda Fairstein.

22 At that point Linda Fairstein asked Mrs. Salaam, Marilyn
23 Hatcher, and Vincent Jones into a backroom, not the room they
24 had first come out, but a room directly across from the double
25 doors that open onto the precinct.

T12-LC-TS

4310

1 Nocenti - Deft. - Direct - Burns

2 Then I assumed that they were going to see Yusef at that
3 point.

4 MS. LEDERER: Objection, I ask it be stricken.

5 THE COURT: Objection sustained as to what you
6 assumed.

7 THE WITNESS: Sorry.

8 Q Did you ever enter that backroom?

9 A No.

10 Q And when was the next -- did there come a time when
11 you saw Charone and Marily again?

12 A Well, yeah, well first Vincent Jones came out. That
13 would have been about a minute later. I asked him why he was
14 coming out. He said since he was not a member of the
15 immediate family he would not be allowed to remain in the back
16 room.

17 I then started to take some notes as to what was going on
18 and at about 12 o'clock --

19 Q What do you mean notes about what was going on?

20 A I had a notebook with me and at the time that I
21 first spoke with Linda Fairstein she indicated she thought it
22 was not proper for me to be there.

23 She also stated when I first got there, I said I was
24 there in my official capacity, and I had never said that.

25 She stated that she was going to try to call the United

F12-LC-TS

4311

1 Nocenti - Deft. - Direct - Burns

2 States Attorney and I told her if she wanted, there was no
3 reason she couldn't call him in the morning, and she indicated
4 she would do so so I knew there would be contact from the
5 district attorney's office to the United States Attorney's
6 office and I took some notes just to memorialize when I had
7 gotten there and what had been said.

8 Q Well, what time did you have this initial
9 conversation with Linda Fairstein?

10 A Approximately 11:35PM on the 20th.

11 Q And what time was it that you began taking these
12 notes?

13 A About 11:55. My discussion with Linda Fairstein
14 from about 11:35 to 11:45 when I went out and saw Marilyn
15 Hatcher on the street again.

16 Mrs. Salaam arrived around a quarter to 12. We all went
17 into the precinct and at around 12:50 Linda Fairstein took
18 Marilyn, Mrs. Salaam and Vincent Jones into the back room and
19 Vincent Jones came out about a minute later so 11:55 is about
20 the time I started making the notes.

21 Q Did I hear you right? What time was it that they
22 went into the back room?

23 A 11:50PM.

24 Q I thought --

25 A Ten minutes to midnight.

T12-LC-TS

4312

1 Nocenti - Deft. - Direct - Burns

2 Q And Vincent Jones came down five minutes later?

3 A One minute later.

4 Q And you began taking notes at that point?

5 A I began taking notes at about five minutes to
6 midnight.

7 Q And where were you when you started taking these
8 notes down?

9 A There are chairs in the precinct. I think somebody
10 sat down in one of the chairs. The entire lobby area is not
11 more than 20 feet by 20 feet so it's not a very large room.

12 Q That was right down there in the lobby area?

13 A Yeah.

14 Q Well, how long -- withdrawn.

15 When was the next time that you saw ADA Fairstein?

16 A At about 12 o'clock midnight assistant district
17 attorney Fairstein came out of the back room. She said to me
18 that Mrs. Salaam had stated that she wanted to see her son,
19 and she stated that she would be allowed to see her son, and
20 to the best of my recollection she then went back into the
21 back room where they were.

22 Q When Linda Fairstein came out of the room where was
23 Vincent Jones?

24 A He would have been standing right next to me. I
25 think I was standing.